



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Purchase Agreement for Neighborhood Park and Street Right of Way at Tienda Drive East of Target Development (\$330,000)

MEETING DATE: July 17, 1996

PREPARED BY: Public Works Director

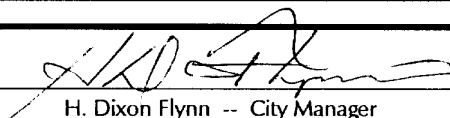
RECOMMENDED ACTION: That the City Council approve the agreement for the acquisition of approximately 3.7 acres for a neighborhood park and the entire width of Tienda Drive fronting that property, authorize the City Manager to execute the agreement, appropriate funds as shown below, and authorize staff to pursue completion of Tienda Drive and Kettleman Lane along the parcel south of the park.

BACKGROUND INFORMATION: At the City Council's direction, City staff has been negotiating with the property owners for the acquisition of additional land adjacent to and west of the park site donated to the City by the Roget Trust. This additional land needed for the expansion of the Roget Park and Tienda Drive right of way is shown on Exhibit A. The Master Park Plan and the City's Development Impact Mitigation Fee Program show this project funded through park and recreation fees. A copy of the purchase agreement is attached as Exhibit B.

Under this agreement, the City will pay the owners \$300,000 for the property and will have a parcel map prepared. The owners of the parcel are not interested in developing the remainder of the land and it is for sale. They do not want credit for the development of the remainder parcel as part of the payment. However, there is a single-family residence on this property and they asked that credit for water and wastewater fees be given when this house is connected to the City systems. If City utilities are not connected to the house prior to development of the remainder parcel, the parcel will receive a credit based on current fees for the single-family house. The credit will not exceed \$13,000, which includes sewer capacity fee, water meter cost and Development Impact Mitigation Fees for the existing quarter-acre, single-family residential use.

As part of the negotiations, the owner asked that the remainder of the property from Tienda Drive to Kettleman Lane be rezoned for commercial use. City staff cannot apply for this rezoning nor guarantee the outcome of the application. However, if the owner wants to apply, the City will, as part of the purchase agreement, cover the cost of the application and filing fees for the General Plan Amendment, rezoning, preliminary environmental assessment and the negative declaration at its current cost of \$1,800. The City will not prepare any documents for rezoning. We have also sent a separate letter describing staff's position on this matter. See Exhibit C.

APPROVED:



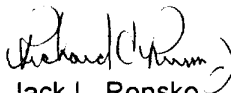
H. Dixon Flynn -- City Manager

Purchase Agreement for Neighborhood Park and Street Right of Way at Tienda Drive
East of Target Development (\$330,000)
July 17, 1996
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According to the conditions in the agreement, the total cost to purchase the 3.7± acres will be \$317,540. In addition to the purchase cost, the City will also have some costs for title insurance and other title work. The funds for this purchase will come from the Parks and Recreation Impact Fee Fund. The City can be reimbursed for one-half the acquisition and improvements costs for Tienda Drive under the terms of a reimbursement agreement (LMC 16.40.030) when the property to the south develops. By acquiring the total width of the street now, improvements can be completed for the entire width.

Staff is also requesting authorization to begin negotiations to acquire the Tienda Drive and Kettleman Lane right of way from the church located to the east of this property. This will allow orderly development and improvements in conjunction with the approved projects east of the park.

FUNDING: Parks and Recreation Impact Fee \$330,000


for Jack L. Ronsko
Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

Attachments

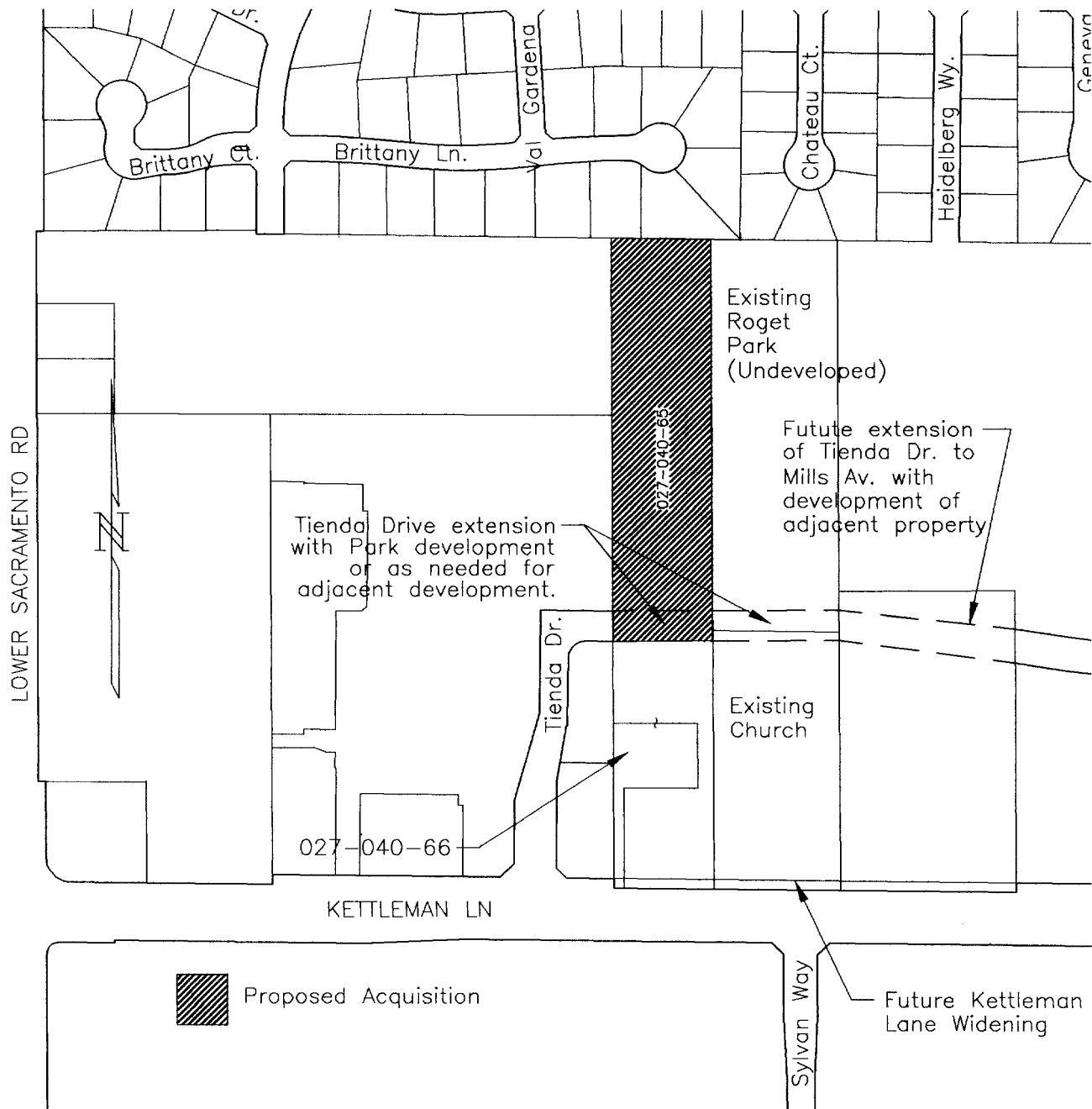
cc: City Attorney
Parks and Recreation Director
Betty Seibly
Property Owners



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



AGREEMENT

THIS AGREEMENT, entered into this 20 day of June, 1996, by and between RONALD C. DUNSCOMBE, DOROTHY LEE BEEVE, MARJORY D. HILLIER and DAVID K. DUNSCOMBE, hereinafter "Seller", and the CITY OF LODI, a municipal corporation, hereinafter "City".

WITNESSETH:

WHEREAS, SELLER is the owner of a certain parcel of land designated as APN 027-040-65 and 027-040-66, containing a 3.7±-acre parcel north of the south line of future Tienda Drive which the CITY desires to acquire for park and street purposes.

WHEREAS, said land to be acquired is a portion of a larger parcel containing approximately 5.24 acres.

WHEREAS, the remainder of the parcel is presently zoned RCP and contains a single-family dwelling not connected to City water and wastewater services and SELLER wishes to apply for a rezoning.

NOW THEREFORE BE IT AGREED AS FOLLOWS:

In consideration of the mutual covenants, terms and conditions herein contained, it is mutually agreed that:

1. SELLER agrees to sell and CITY agrees to purchase that certain 3.7±-acre parcel of land to be shown on a future parcel map. The parcel to be acquired is shown on the attached Exhibit A and is a part of this agreement.
2. CITY shall pay SELLER the sum of \$300,000 when title transfers free and clear of all liens and encumbrances, except current taxes due and easements of record, if any.
3. CITY will bear the entire cost of surveying the property and preparing a parcel map. SELLER agrees to sign the parcel map when it is completed. The life estate presently shown as APN 027-040-66 will be eliminated on the map. Any

costs involved in eliminating the life estate, other than the engineer's fees to prepare the map, will be the SELLER'S responsibility.

CITY agrees to diligently pursue the completion of the survey and preparation and recording of the parcel map.

4. CITY will cover the current cost of application and filing fees for a General Plan Amendment, rezoning, preliminary environmental assessment and negative declaration for the remainder parcel for commercial use. The current cost is \$1,800. However, CITY will not prepare any of the documents needed in connection with rezoning nor guarantee the outcome of the application.
5. CITY will give SELLER credit for water and wastewater fees for the existing single-family dwelling situated on the remainder parcel when utilities are available. Sewer capacity fees, water meter installation fees, and water and wastewater Development Impact Mitigation fees required upon connection to the City's water and wastewater systems will be included in the credit. CITY will not install or extend water and wastewater mains to service this dwelling.

In the event utilities are not connected prior to development of the remainder parcel, CITY will give that parcel credit for the above fees based on the current fees that would be charged for the existing 3-bedroom dwelling on one-quarter acre of land. This credit will not exceed \$13,000.

6. CITY acknowledges that the property is served by the Woodbridge Irrigation District and CITY will maintain the pipe serving the remaining property until City water is available.
7. CITY shall process and pay for recording of the parcel map and deed and pay all title, escrow, and recording fees to the extent they apply but shall not pay taxes due prior to close of escrow.
8. Escrow will not close until such time as a proper legal description has been prepared and placed in escrow.

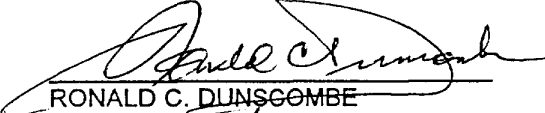
9. Herein is set forth the whole of this agreement. The performances of this agreement constitute and shall relieve City of all further obligations or claims.
10. This agreement is binding on heirs, executors, administrators, and assigns of the parties hereto.
11. In the event either party hereto breaches the terms, conditions and covenants of this agreement, then the party prevailing in any suit to enforce this agreement or to restrain the breach thereof shall, in addition to any other relief or damages awarded, be entitled to reasonable attorney's fees and all costs of suit to be set and determined by any court of competent jurisdiction and added to any judgment obtained.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year hereinabove written.

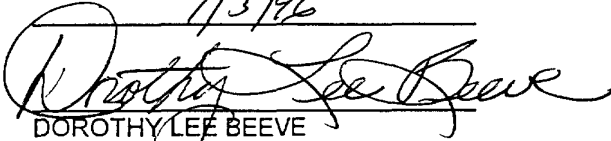
CITY OF LODI

SELLER

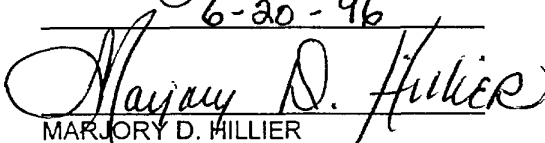
By: _____
H. Dixon Flynn, City Manager


RONALD C. DUNSCOMBE

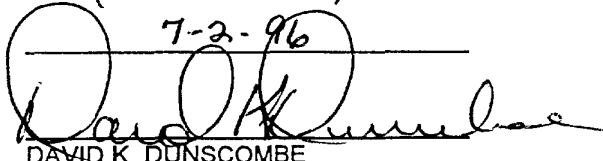
Attest: _____
Jennifer M. Perrin, City Clerk

7/3/96

DOROTHY LEE BEEVE

Approved as to form:

6-20-96

MARJORY D. HILLIER

Randall A. Hays, City Attorney

7-2-96

DAVID K. DUNSCOMBE

Dated _____

Dated: 6/25/96

EXHIBIT C

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

June 25, 1996

Dunscombe Family
c/o Marjory Hillier
412 Buena Vista Drive
Modesto, CA 95354

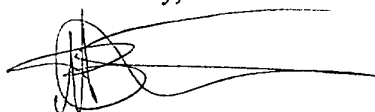
Dear Ms. Hillier:

In discussion with Richard Prima regarding the City's desired acquisition of the rear (north) portion of the Dunscombe property, we felt a letter confirming the various conversations would be prudent.

As part of the negotiation between the City and the Dunscombe family, the question of rezoning the property fronting Kettleman Lane has been raised. City staff has offered to pay the application processing fees for this request, but we will not allow the desire for acquisition cloud our judgment for recommendation on the matter. In fact, I feel that my position on the issue was fairly communicated to Betty Seibly in our meeting on June 12, 1996. Betty and I discussed that along with the zoning issue, a General Plan Amendment will be required. More importantly, however, is the issue of land use. Clearly I will not support a request that exacerbates the potential conflict with the Central City Revitalization Plan.

I trust this clarifies the City's position. If you have any questions, please feel free to call me at 333-6711.

Sincerely,



Konradt Bartlam
Community Development Director

KB/lw

cc: Betty Seibly
City Engineer

RESOLUTION NO. 96-96

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING ACQUISITION OF APPROXIMATELY 3.7 ACRES
FOR A NEIGHBORHOOD PARK AND STREET RIGHT-OF-WAY AT
TIENDA DRIVE; AUTHORIZING STAFF TO PURSUE COMPLETION OF
TIENDA DRIVE AND KETTLEMAN LANE ALONG THE PARCEL SOUTH
OF THE PARK; AND APPROPRIATE \$330,000 FROM THE PARKS AND
RECREATION IMPACT FEES FOR THE PROJECT

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BE IT RESOLVED that the purchase agreement for the neighborhood park and street right-of-way at Tienda Drive, East of Target Development is hereby approved and funds in the amount of \$330,000 are hereby appropriated from the Parks and Recreation Impact Fees for the project, and

BE IT FURTHER RESOLVED that staff is hereby authorized to pursue completion of Tienda Drive and Kettleman Lane along the parcel south of the park; and

FURTHER RESOLVED that the City Manager and City Clerk are authorized and directed on behalf of the Lodi City Council, to execute and deliver such agreement on behalf of the City of Lodi.

Dated: July 17, 1996

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I hereby certify that Resolution No. 96-96 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 1996, by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

July 11, 1996

Ms. Marjory D. Hillier
412 Buena Vista Dr.
Modesto, CA 95354

Mrs. Betty L. Seibly
Schaffer Suess & Boyd
P. O. Box 667
Lodi, CA 95241

SUBJECT: Purchase Agreement for Neighborhood Park and Street Right of Way at
Tienda Drive East of Target Development

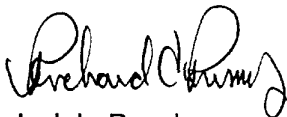
Enclosed is a copy of background information on an item on the City Council
agenda of Wednesday, July 17, 1996, at 7 p.m. The meeting will be held in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a
Council Member requests discussion. The public is given an opportunity to address
items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for
the mail. Or, you may hand-deliver the letter to the City Clerk at 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Blaufus at
(209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓